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May 7, 2008

**Via Facsimile**

**MEMO ENDORSED**

Honorable Charles L. Brient  
United States District Court for the  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 275  
White Plains, New York 10601

*The Court will accept  
this Amended Pleading if  
filed in paper form by  
May 8, 2008*  
*Charles L. Brient*  
*5/8/08* *ASD*

Re: **In Re: PepsiCo, Inc., Bottled Water Sales and  
Marketing Practices Litigation  
7:08-md-01903 (CLB)(MDF)**

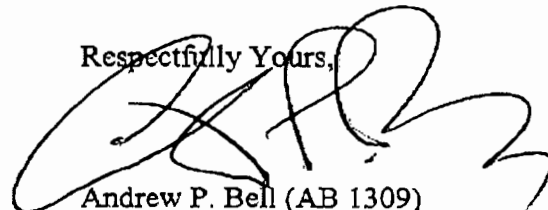
Dear Judge Brient:

We are respectfully writing, as Your Honor's chambers directed us to do this evening, in order to inform the Court that Plaintiffs will physically file the Plaintiffs' Consolidated and Amended Class Action Complaint ("Amended Class Action Complaint") in the above-referenced MDL proceeding tomorrow morning, May 8, 2008, instead of today (when it is due) because we belatedly learned from the ECF help desk that the pleading, being in the nature of a complaint, can only be filed in paper form – not through the ECF system. We were unable to reach any personnel in the Clerk's office because it had closed.

We are serving now the executed Amended Class Action Complaint via e-mail on all Defendants in the MDL proceeding.

We thank the Court for its consideration of this request and apologize for any inconvenience.

Respectfully Yours,

  
Andrew P. Bell (AB 1309)

cc: All parties (via e-mail)